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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

WENDELL WHITE,

Defendant and Appellant.

H024247

(Santa Clara County

Super.Ct.No. BB050586)

On November 22, 2000, information was filed in the Santa Clara County Superior Court charging defendant in count 1 with robbery (Pen. Code, § 211); in count 2 with petty theft with specified priors (Pen. Code, § 666); and in count 3 with buying, receiving, concealing, or withholding stolen property (Pen. Code, § 496, subd. (a)). The information also alleged that defendant had three strike priors within the meaning of Penal Code sections 667, subdivisions (b)-(i) and 1170.12; six prison priors within the meaning of Penal Code section 667.5, subdivision (b); and two serious felony priors with convictions within Penal Code section 667, subdivision (a).

On April 9, 2001, defendant pleaded guilty to counts 2 and 3. He also admitted all six prison priors and one strike prior. A motion to dismiss count 1, the serious felony priors, and the two remaining strike priors was taken under submission until the time of sentencing. In all other respects, the plea was unconditional.

On April 12, 2001, defense counsel filed a request to strike one of the prison priors as inapplicable since the defendant in that case was someone other than defendant. On May 11, 2001, the district attorney amended the information on its face to correct the docket number of the challenged prison prior.

On June 8, 2001, defense counsel filed a motion requesting the court to strike the strike prior which defendant had admitted pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497 and Penal Code section 1385. The trial court denied the motion the same day.

Defendant was sentenced to a total prison commitment of 11 years and 4 months.

On June 11, 2001, defense counsel filed a timely notice of appeal alleging that defendant's sentence was unlawful because one of the prison priors for which he was sentenced did not in fact belong to him. On November 2, 2001, the trial court conducted a further hearing at which it dismissed the prison prior as not belonging to the defendant. The trial court then modified defendant's sentence to 10 years and 4 months.

We appointed counsel to represent the defendant in this court.

Appointed counsel has filed an opening brief which states the case but raises no specific issues. The defendant was advised by this court of his right to submit written argument within 30 days. The court has received a response from the defendant, which has been read and considered.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there is no arguable issue on appeal.

The judgment is affirmed.

Wunderlich, J.

WE CONCUR:

Premo, Acting P.J.

Rushing, J.